

December 6, 2006

**VIA FACSIMILE & U.S. MAIL**

Mr. Jeff S. Jordan  
Supervisory Attorney  
Complaints Examination & Legal Administration  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

**Re: MUR 5866**

Dear Mr. Jordan:

On behalf of Friends of Conrad Burns – 2006 and James Swain, as Treasurer (the “Committee”), this letter responds to the complaint filed by the Montana Democratic Party in the above-captioned Matter Under Review. The Committee denies any violation of the Federal Election Campaign Act of 1971, as amended (the “Act”).

**The Complaint**

The basis for the complaint is an article published in the *Missoulian* regarding the Inland Northwest Space Alliance (INSA), which according to the article the University of Montana founded to engage in space research and bring space-related jobs to Montana. The article, apparently published on October 24, 2006, is included as an exhibit to the complaint. The complaint raises two potential violations that the complainant asserts fall under the jurisdiction of the Federal Election Commission (FEC).

First, the complaint alleges that INSA employees were “being pressured” to make contributions to Senator Conrad Burns. In support of this allegation, the complainant points to an unnamed source in the *Missoulian* article.

Second, the complaint speculates that Senator Burns “was apparently directing taxpayer funds to INSA with the explicit or tacit understanding that” INSA employees would make contributions to his campaign. The complainant does not offer any factual support for this allegation.

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**The Committee's Response**

This complaint is without merit and should be dismissed. The first allegation, supported solely by an unnamed source, does not suggest any wrongdoing by Senator Burns or the Committee. The allegation that INSA pressured employees to contribute to Senator Burns only implicates INSA in a violation of federal election law. In any event, at no time did Senator Burns or the Committee know of any alleged "pressure" on employees to make contributions.

The second allegation is completely baseless. The complainant offers no factual support for its claim that Senator Burns directed federal funds to INSA with the understanding that the Committee would receive campaign contributions. The *Missoulian* article in no way suggests that Senator Burns or the Committee was involved in any wrongdoing, and provides no basis for finding a violation of federal election law. Regardless, the Committee categorically denies this charge. Senator Burns never directed federal funds to INSA because of or "to effect" campaign contributions from INSA employees. Moreover, as the *Missoulian* article cited to in the complaint notes, Senator Burns completely supports the review of INSA that has been undertaken.

For these reasons, the Federal Election Commission should find no reason to believe that the Committee has committed a violation of the Act and should promptly dismiss this complaint.

Sincerely,

*Ralph J. Caccia* 

Ralph J. Caccia

For POWELL GOLDSTEIN LLP

RJC/

cc: James Swain

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FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL  
Please use one form for each Respondent/Client  
FAX (202) 219-3923

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MUR # 5866

NAME OF COUNSEL: Ralph Caccia and Nathan Brown

FIRM: Powell Goldstein LLP

ADDRESS: Third Floor - 901 New York Avenue, N.W.

Washington, D.C. 20001-4413

TELEPHONE- OFFICE (202 ) 347-0066

FAX (202 ) 624-7222

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission.

12-12-06  
Date

*Ralph Caccia*  
Respondent/ Client Signature

*Deputy Treasurer*  
Title

RESPONDENT/CLIENT Friends of Conrad Burns - 2006 & James Swain  
(Please Print)

MAILING  
ADDRESS: P. O. Box 1596

Helena, MT 59624

TELEPHONE- HOME ( )

BUSINESS ( 406 ) 656-9999

Information is being sought as part of an investigation being conducted by the Federal Election  
Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section  
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the express written consent of the person under investigation

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